

THE HONOURABLE SRI JUSTICE C.V. RAMULU

WRIT PETITION No.16336 OF 2000

DATED: 12-09-2007

Between:

M. Krishna Rao

.. Petitioner

and

T h e Labour Court, Guntur, Guntur
District, rep. by its Presiding Officer and
another.

.. Respondents

THE HONOURABLE SRI JUSTICE C.V. RAMULU

WRIT PETITION No.16336 OF 2000

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ORDER:

This writ petition is filed being aggrieved by an award, dated 27.10.1999, made in I.D.No.21 of 1995, on the file of the 1st respondent - Labour Court, Guntur.

The petitioner-workman has filed a claim petition before the Labour Court, Guntur, alleging that, while he was working as Day and Night Watchman with the 2nd respondent College and Hostel, his services were terminated with effect from 15.05.1994, without issuing any notice.

There is no necessity of going into all the details.

It seems, aggrieved by the termination, the petitioner raised a conciliation before the Assistant Commissioner of Labour, Guntur, and that was referred to Deputy Commissioner of Labour, Guntur, before whom, a settlement under Section 12 (3) of the Industrial Disputes Act (for short 'the I.D. Act') was entered into between the petitioner and the management on 10.07.1994 and the management agreed to pay an amount of Rs.8,000/- in lieu of reinstatement and towards full and final settlement of the claim of the petitioner and, accordingly, the said amount was paid by way of cheque. The said Memorandum of Settlement was marked as Ex.W8 before the Labour Court. The Labour Court held that in view of the said settlement entered into between the parties under Section 12 (3) of the I.D. Act, the petitioner cannot file the claim petition claiming reinstatement into service and, therefore, no relief can be granted to him, and, accordingly, dismissed the claim petition. Aggrieved by the same, the present writ petition is

filed.

I am of the opinion that when the Memorandum of Settlement, Ex.W8, entered into between the parties under Section 12 (3) of the I.D. Act, is not in dispute, the question of raising any further dispute or filing any claim petition before the Labour Court either under Section 2-A (2) of the I.D. Act or under any other provision does not arise. Therefore, the impugned award passed by the Labour Court cannot be found fault with. The writ petition is devoid of merits and is liable to be dismissed.

Accordingly, the writ petition is dismissed. No costs.

C.V. RAMULU, J

12th September, 2007.

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